United Nations A/HRC/27/30

General Assembly

Distr.: General
30 June 2014

Original: English

Human Rights Council
Twenty-seventh session
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples

Summary

The present report is submitted pursuant to resolution 24/10 of the Human Rights Council. It contains information on relevant developments with regard to human rights bodies and mechanisms, and outlines the activities undertaken by the Office of the High Commissioner for Human Rights, at headquarters and in the field, that contribute to the promotion and the full application of the provisions of the United Nations Declaration of the Rights of Indigenous Peoples and to the follow-up on the effectiveness of the Declaration. The report covers the period from May 2013 and April 2014.

GE.14-06815 (E)

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I. Introduction

1. In its resolution 24/10 concerning human rights and indigenous peoples, adopted on 23 September 2013, the Human Rights Council requested the High Commissioner for Human Rights to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms and activities undertaken by the Office of the High Commissioner at Headquarters and in the field, that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

2. The present report focuses on some illustrative examples of the activities and initiatives undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) at headquarters and in the field that contribute to the full application of the rights of indigenous peoples. These examples are not intended as an exhaustive overview of the work of OHCHR with regard to the rights of indigenous peoples, but rather as an illustration of the action taken at country, regional and headquarters levels. The report also provides an overview of the recent developments within United Nations human rights mechanisms insofar as their work pertains to indigenous peoples.

II. Activities of the Office of the United Nations High Commissioner for Human Rights

3. During the period under review, the Office of the High Commissioner for Human Rights continued to work for the promotion and the full application of the Declaration on the Rights of Indigenous Peoples. The rights of indigenous peoples continued to be a priority issue for the High Commissioner and the challenges faced by indigenous peoples figure prominently in the OHCHR Management Plan for 2014-2017, including in connection with the thematic priorities of enhancing equality and combating discrimination.

4. The High Commissioner regularly highlighted the concerns of indigenous peoples in her country visits, statements and other work, often with particular focus on indigenous women. OHCHR played an active role in efforts aimed at raising the profile of indigenous peoples in the context of the Human Rights Council, including through its support to the Expert Mechanism on the Rights of Indigenous Peoples and by organizing, during the twenty-fourth session of the Human Rights Council in September 2013, a panel on indigenous peoples' issues, devoted to the World Conference on Indigenous Peoples.

5. OHCHR also continued to play an active role in various inter-agency initiatives, including the Inter-Agency Support Group on Indigenous Issues (IASG), which OHCHR will chair as from June 2014. The annual IASG meeting, held at the Headquarters of the United Nations Children's Fund (UNICEF), New York, from 22 to 23 October 2013, welcomed 35 participants from 15 agencies to discuss, among other matters, key issues in preparation for the World Conference on Indigenous Peoples and the milestones for the formulation of the post-2015 development agenda and sustainable development goals. The meeting also provided the opportunity to review and revise the IASG terms of reference and to discuss a collaborative approach for addressing the recommendations arising from the Permanent Forum on Indigenous Issues. OHCHR also coordinated the work of the United Nations Network on Racial Discrimination and Protection of Minorities to develop an action plan to implement the Secretary General's Guidance Note on the topic. The action plan highlights the importance of United Nations engagement with indigenous peoples' issues.

A. United Nations Indigenous Peoples' Partnership

6. OHCHR continued to strengthen its engagement in joint activities to promote the rights of indigenous peoples at the country level. In particular, the integration of indigenous peoples' rights into the work of the United Nations through the United Nations Indigenous Peoples' Partnership (UNIPP), a joint initiative between OHCHR, the International Labour Office (ILO), UNICEF, The United Nations Development Assistance Framework (UNDAF) and the United Nations Development Programme (UNDP).

7. Since May 2011, UNIPP has initiated joint programmes in Bolivia, Cameroon, Central African Republic, Nepal, Nicaragua and Republic of Congo, as well as one regional project in Southeast Asia. Those programmes have brought United Nations partners together in a coherent manner, guided by the principles set forth in the Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries. UNIPP has also contributed to capacity-building as well as to the establishment of inclusive dialogue and consultative mechanisms between governments and indigenous peoples.

8. The latest UNIPP publication, *UNIPP Success Stories: cooperating to promote and protect indigenous peoples' rights*, provides an insight into UNIPP's work and illustrates the Partnership's accomplishments since its inception. Its achievements include the production of 13 studies on thematic issues relevant to indigenous peoples, capacity-building of more than 5,500 key actors and facilitation of dialogue and consultative meetings on the implementation of the recommendations of the Special Rapporteur on the rights of indigenous peoples and of the Universal Periodic Review (UPR).

9. As the lead agency for several projects in the field, OHCHR supported the development of national legislation to protect the rights of indigenous peoples and continued to provide technical advice and expertise to governmental entities. For example, in Nepal, OHCHR, in partnership with the Office of the Resident Coordinator and ILO-Nepal, conducted a training workshop for civil society to discuss the rights of indigenous peoples and the importance of mechanisms to facilitate the participation of indigenous peoples in decision-making processes. The workshop contributed to enhancing dialogue with the Ministry of Federal Affairs and Local Development and its affiliated body, the National Foundation for Development of Indigenous Nationalities, and benefited from the participation of the National Human Rights Commission.

10. In June 2013, in the context of legislative developments concerning the land law reform process, OHCHR briefed members of Parliament in Cameroon with a view to ensuring that the standards contained in the Declaration on the Rights of Indigenous Peoples were taken into account. In July 2013, in collaboration with UNICEF, UNDP and the United Nations Population Fund (UNFPA), OHCHR organized a training session for indigenous peoples in the Republic of Congo to promote the implementation of the national law on the rights of indigenous populations and the completion of its implementing decrees.

B. Capacity-building and technical cooperation

1. Indigenous Fellowship Programme

11. Through the Indigenous Fellowship Programme, an annual programme which provides intensive training in human rights to indigenous people, OHCHR continued to build the capacity and expertise of indigenous men and women, to enable them to use international

human rights instruments and mechanisms more effectively. A total of 26 indigenous fellows[1] participated in the training programme in Geneva in 17 June to 12 July 2013. The fellows received theoretical and practical training on how to use international human rights instruments and mechanisms to promote and protect the rights of their indigenous communities.

12. OHCHR in Geneva also hosted a "senior" indigenous fellow for a four-month on-the-job training in its Indigenous Peoples and Minorities Section. In addition, four indigenous fellows, who were trained in Geneva, were given the opportunity to extend their knowledge through national fellowships in OHCHR field presences in the Russian Federation, Ecuador, Panama and South Africa. Their active involvement in and input to the activities of the Office were very much appreciated and their first-hand knowledge of indigenous issues was an asset in supporting the Office's programmes on indigenous peoples' issues.

2. United Nations Voluntary Fund for Indigenous Peoples

13. The United Nations Voluntary Fund for Indigenous Peoples, which is managed by OHCHR with advice from a Board of Trustees, continued to support the participation of indigenous organizations in the sessions of the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Human Rights Council, the UPR mechanism and the treaty bodies.

14. In 2013, 66 grants were awarded for representatives of indigenous communities and organizations to participate in the sessions of the above-mentioned bodies as well as in the sessions of the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of Persons with Disabilities. The extension of the mandate of the Fund to cover the sessions of these treat bodies has enabled indigenous peoples to engage actively in bring their issues and perspectives into the work of the human rights bodies, beyond those devoted to indigenous peoples' issues. The insight and information that the Fund recipients brought to the discussions were welcomed by the members of the treaty body and others concerned.

15. The Fund organized and funded four human rights training modules in four languages, in Geneva and New York, to increase the capacity of indigenous peoples' representatives to effectively participate in the human rights mechanisms. Moreover, in cooperation with NGO partners, the Fund provided assistance to indigenous peoples' representatives in targeting their advocacy, making constructive interventions tailored to each United Nations event and contributing to the implementation of the recommendations made by human rights mechanisms and the implementation of the Declaration on the Rights of Indigenous Peoples at the national level.

16. In sessions from January to April 2014, the Board of Trustees selected 57 representatives of indigenous communities and organizations to attend the sessions of the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Committee on the Rights of Persons with Disabilities, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child, held from March to September 2014. Furthermore, the Board set aside a budget to enable representatives of indigenous communities and organizations – to be selected at the inter-sessional meetings held in August and November 2014 – to attend the sessions of the

[1] From Argentina, Australia, Belize, Burundi, Canada, Chile, Colombia, Costa Rica, the Democratic Republic of the Congo, Ecuador, France (French Guiana), India, Kenya, Morocco, Nepal, Niger, Peru, the Russian Federation, Suriname and Uruguay.

Human Rights Council, human rights treaty bodies and the UPR that will be held between September 2014 and March 2015.

3. Technical cooperation with State institutions, United Nations agencies and indigenous communities and organizations

17. OHCHR and its field offices carried out a range of activities on indigenous peoples' rights at the regional and country level, including monitoring, support for legal reform, technical cooperation, capacity-building and awareness-raising, including the activities described below. OHCHR field presences also consistently supported the work of special procedures mandate holders and provided support for the High Commissioner's country visits.

18. During the reporting period, OHCHR carried out a number of training and briefing sessions as part of its efforts to promote the Declaration on the Rights of Indigenous Peoples. In Nepal, for instance, OHCHR conducted a training workshop for the United Nations country team and bilateral donors with the aim of enhancing coordination and integration of the rights of indigenous peoples in policies and programmes, with particular focus on gender issues. As an outcome of the workshop, collaboration was established to work towards finalizing the National Plan of Action for the Promotion of Indigenous Peoples Rights, one of the outcomes of the UNDAF.

19. In Mexico, OHCHR engaged in capacity-building initiatives and provided technical cooperation and assistance to various authorities, NGOs and indigenous peoples on the right to free, prior and informed consultation. The Office also participated in the Technical Committee for the creation of an Indigenous Peoples Consultancy Common Protocol, organized by the National Commission for the Development of Indigenous Peoples' Rights. In Bolivia, OHCHR, in coordination with other United Nations agencies and national actors, conducted training sessions and public events on the rights of indigenous peoples to consultation.

20. OHCHR also engaged in activities aimed at policy and legislative reforms. For example, the Regional Office for Southern Africa commented on the text of South Africa's Traditional Affairs Bill, and the Regional Office for South America participated, as an observer, in the negotiations between the Government of Chile and indigenous peoples' representatives on the draft decree on indigenous peoples' right to consultation.

21. OHCHR Paraguay provided technical assistance on how to implement the decisions of the Inter-American Court for Human Rights regarding restitution of ancestral land and land claims. The Office also provided technical assistance with public conferences and high-level meetings and made concrete recommendations on the draft law on consultation with indigenous peoples that was presented by the Ombudsman. A report will be published in 2014, reflecting the discussions, conclusions and recommendations for action, including legislative and policy reforms in that area.

22. The United Nations Support Mission in Libya (UNSMIL) met regularly with representatives of the Amazigh Supreme Council, the National Tabu Gathering, the Tuareg Supreme Council as well as NGOs, human rights defenders and representatives of the General National Congress. At those meetings, UNSMIL advocated the creation of an inclusive Constitution Drafting Assembly that reflects the fair representation of all communities and provided advice and training on international human rights law with a view to its application to all communities, without discrimination.

23. During the reporting period, OHCHR deployed staff to the Philippines in the context of its humanitarian response to Typhoon Haiyan that struck a number of islands in November 2013 with devastating consequences. The Office contributed significantly to the advocacy of non-discrimination in humanitarian aid delivery to indigenous peoples.

24. OHCHR Colombia, in collaboration with the Attorney General's Office, the Presidential Programme for the protection of indigenous peoples' rights and the General Controller's Office, organized training and awareness-raising events on indigenous peoples' rights and their right to consultation and to free, prior and informed consent. Those efforts contributed to the Government acceptance of specific protocols on prior consultation. The Ministry of the Interior also engaged with OHCHR in developing practical exercises of prior consultation in accordance to international human rights standards. OHCHR Colombia and the United Nations Resident Coordinator are acting as guarantors of an agreement between the National Indigenous Organization of Colombia (ONIC) and the Government on a number of issues relating mainly to the right to indigenous autonomy and self-government.

25. In Ecuador, OHCHR developed a training module for the police, the armed forces and the national human rights institution with the aim of promoting compliance with international standards on the collective rights of indigenous peoples and Afro-descendants. The initiative helped the Government to comply with the judgement of the Inter-American Court of Human Rights in the case of the *People of Sarayaku* v. *Ecuador*, which required the State to provide sustained trainings to the armed forces and the police on collective rights.

26. OHCHR also supported the inclusion of standards on the right to free, prior and informed consent as part of the domestic regulations to approve REDD+ projects[2] in Ecuador, a climate change mitigation strategy implemented in the context of the United Nations Framework Convention on Climate Change (UNCCC). The final guidelines, which have been approved by Ministerial Decree, pay due attention to constitutional and international human rights standards. The Ministry of Environment is currently undertaking a consultation process on the draft regulation.

4. Strengthening the use of international human rights bodies and mechanisms

27. In Cameroon, OHCHR implemented national workshops for government officials, civil society organizations and United Nations agencies on the follow-up and evaluation of the implementation of the concluding observations of treaty bodies and the recommendations of special procedures with regard to indigenous peoples' rights. In Chile, OHCHR also conducted training sessions for indigenous peoples' representatives on human rights standards and mechanisms that indigenous peoples can evoke to claim their rights.

28. OHCHR Kenya supported the Government in developing and adopting a road map for implementing the recommendations made during the UPR concerning indigenous peoples. The road map proposes designing and prioritizing affirmative measures; developing programmes aimed at implementing a decision of the African Commission on Human and Peoples' Rights; holding consultative meetings on the implementation of the recommendations of the Special Rapporteur on the rights of indigenous peoples and the ratification of ILO Convention No. 169.

29. In Panama, OHCHR assisted the electoral tribunal on the implementation of the UPR recommendations to fulfil the right of Ngobe indigenous children to registration at birth. In Nicaragua, the Regional Office for Central America provided assistance to indigenous peoples to establish a space for dialogue between the indigenous authorities and the Government, further to a UPR recommendation. Following up on a recommendation made by the Special Rapporteur on the rights of indigenous peoples (E/CN.4/2004/80/Add.2), OHCHR Mexico provided technical advice in view of the reform of the legislation on military jurisdiction, which was passed by the National Congress in April 2014.

[2] REDD + is a new community-based partnership programme launched by the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD Programme).

30. OHCHR field presences also supported civil society organizations working on indigenous peoples' rights to engage with the human rights mechanisms. For instance, in Kenya the Office assisted organizations in preparing the shadow report of the African Commission and the parallel report to the Committee on Economic, Social and Cultural Rights. In Belize, OHCHR provided technical assistance to indigenous peoples' organizations on how to engage with the human rights mechanisms.

31. OHCHR Guatemala provided technical assistance to indigenous organizations on indigenous peoples' rights and access to regional human rights mechanisms, including with preparing a petition to submit to the Inter-American Commission on Human Rights regarding the lack of consultation of indigenous peoples, in general, and with the case of the Entre Ríos hydroelectric project. The Office also facilitated dialogue for civil society organizations, including indigenous organizations, to prepare the alternative report for submission to the Committee on Economic, Social and Cultural Rights and provided assistance to the Ministry of Foreign Affairs with disseminating the recommendations of the Committee on the Elimination of Racial Discrimination.

32. OHCHR Bolivia, in coordination with ILO, provided assistance and support to the Guarani Indigenous Peoples University of Bolivia and Lowland "Apiaguaiki Tupa" (UNIBOL) for a new course on the "rights of indigenous peoples in the universal system of human rights and introduction to cultural expertise". The first module was delivered in March 2014 and focused on gender, multiculturalism and collective rights of indigenous peoples.

C. Tools and guidance

33. In 2013, OHCHR published Fact sheet No. 9/Rev.2, entitled *Indigenous Peoples and the United Nations Human Rights System*, which contains a summary of indigenous peoples' rights, an overview of international and regional human rights bodies and mechanisms relating to indigenous peoples as well as a description of the activities of OHCHR and other United Nations agencies engaged in indigenous peoples' issues. The publication is currently available in English, Russian and Spanish.[3]

34. OHCHR continued to develop its close engagement with national human rights institutions (NHRIs) on indigenous issues. Through wide-ranging consultations, OHCHR and the Asia Pacific Forum of National Human Rights Institutions (APF) completed the manual, *The United Nations Declaration on the Rights of Indigenous Peoples: A Manual for National Human Rights Institutions*, in 2013. Intended to strengthen NHRI engagement in and initiatives focusing on the human rights of indigenous peoples, the manual gives the background and context of the Declaration and addresses measures that NHRIs can take at the national and international levels to protect and promote indigenous peoples' rights. The manual also contains examples of good practices from different NHRIs to illustrate effective ways of implementing the Declaration, building on such practices as the national inquiry into the land rights of indigenous peoples by the National Human Rights Commission of Malaysia (SUHAKAM), the report of which was published in 2013.

35. International human rights mechanisms and national Governments in South America have started invoking the Guidelines for the protection of indigenous peoples in voluntary isolation and initial contact in the Amazon Basin, El Gran Chaco and the Eastern Region of Paraguay[4], issued by OHCHR in May 2012. For example, in 2013, in examining the

[3] Also available from http://www.ohchr.org/Documents/Publications/fs9Rev.2.pdf

[4] See ACNUDH, en cooperación con la AECID, Directrices de protección para los pueblos indígenas en aislamiento y en contacto inicial de la región Amazónica, el Gran Chaco y la Región Oriental de

application of ILO Convention No. 169, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), requested Paraguay to provide information on the effect given to the guidelines. In September 2013, CERD examined the periodic report of Venezuela and urged the State to increase the protection afforded to indigenous peoples living in the Amazon and to take into account the aforementioned guidelines (CERD/C/VEN/CO/19-21). The guidelines have also been used as a reference to address the situation of conflict-affected indigenous peoples living in isolation in Ecuador.

36. OHCHR is working on guidance for its field presences on consultation with indigenous peoples, which is aimed at providing legal and operational guidance to OHCHR staff on promoting and implementing indigenous peoples' rights to consultation, particularly at the country level. In May 2013, the Office organized a regional seminar in Peru to share and discuss the content of the planned guidance with OHCHR field presences, indigenous representatives and other relevant United Nations agencies. Representatives from the Minister of Culture of Peru and the Office of the Ombudsman also participated in the seminar.

D. Selected areas of focus

1. Indigenous women's rights

37. OHCHR continued to work on promoting indigenous women's rights through, inter alia, training and capacity-building for indigenous women, strengthening indigenous women's networks, facilitating dialogue among stakeholders, advocating for the integration of a gender perspective in national processes relating to indigenous peoples and launching public campaigns with emphasis on racial and ethnic discrimination against women. For example, OHCHR Regional Office for South America continued to advocate for the inclusion of indigenous women in the negotiations between Government of Chile and indigenous peoples on a proposal to amend current legislation on consultation and participation of indigenous peoples in decision-making processes with a view to aligning it with international standards.

38. OHCHR Regional Office for Central America continued to work on promoting indigenous women's rights by facilitating spaces for dialogue between indigenous women and governmental institutions. As a result, several agreements were reached between indigenous women and public institutions, including commitments by the Ministry of Labour to facilitate access to employment for indigenous peoples, the electoral tribunal to take concrete action to fulfil indigenous peoples' right to registration at birth and other public institutions to develop training programmes for indigenous women. The Office also developed training and audio-visual materials to promote the Declaration on the Rights of Indigenous Peoples among indigenous women.

39. In October 2013, OHCHR participated in the World Conference of Indigenous Women, organized by indigenous organizations in Lima, Peru. At that conference, OHCHR facilitated the session on the implementation of the rights of indigenous peoples in the United Nations system. The outcome document of the conference contains proposals aimed at ensuring that the rights of indigenous women, youth and children are taken into consideration in upcoming processes, such as the World Conference on Indigenous Peoples and the post-2015 development agenda. In January 2014, OHCHR contributed to the Permanent Forum on Indigenous Issues Expert Group meeting on sexual health and reproductive rights, which considered ways to address the sexual health and reproductive rights of indigenous peoples.

Paraguay: resultado de las consultas realizadas por ACNUDH en la región de Bolivia, Brasil, Colombia, Ecuador, Paraguay, Perú y Venezuala (Ginebra, mayo 2012).

2. Land and development projects

40. OHCHR carried out several activities as part of its efforts to facilitate dialogue between indigenous peoples and Governments on issues concerning land, territories and resources. For instance, in Costa Rica, OHCHR continued to follow up on the implementation of the recommendations of the Special Rapporteur on the rights of indigenous peoples affected by the El Diquís hydroelectric project. The Office also provided technical assistance for the dialogue between the Government and leaders of indigenous communities affected by the project. OHCHR organized a workshop with the Federal Ombudsman of the Russian Federation in Khanti-Mansiysk, Siberia, to explore the role of international standards, norms and mechanisms with regard to business engagement with indigenous peoples.

41. At the request of the Government of Panama, OHCHR Regional Office and the United Nations Resident Coordinator facilitated negotiations with the indigenous peoples affected by a legislative proposal to regulate mining and hydroelectric development in indigenous territories. The role of the Office was crucial in creating an atmosphere of mutual trust, which allowed for constructive dialogue among the different actors and resulted in a text that was subsequently approved by Parliament. In addition, the Regional Office for Central America is currently coordinating a joint initiative with ILO to engage the private sector and Government in the promotion of indigenous peoples' rights.

42. OHCHR Guatemala conducted a human rights training programme for the Ministry of Environment and Natural Resources and the Ministry of Energy and Mines. The objective of the programme was to strengthen the capacities of key government officials and raise awareness about how indigenous peoples may be adversely impacted by resource development projects taking place in or near their traditional territories. Particular attention was given to the issue of consultation with indigenous peoples prior to the approval of such projects. The programme identified key areas to be improved and led to the preparation of an institutional evaluation report. The Office also participated as an observer in negotiations in conflicts relating to land and economic development and to jointly revise internal regulations.

43. In the Philippines, OHCHR and the Office for the Coordination of Humanitarian Affairs (OCHA) carried out a joint mission to Tapay Municipality, Capiz Province, in order to, inter alia, look into land, housing and property rights issues, in general, and more specifically, the human rights impact of a proposed dam project that could destroy the ancestral lands and domains of half the indigenous peoples in the region if carried out. Recommendations were made to humanitarian actors to undertake critical and adequate interventions, including building the capacity of the National Commission on Indigenous Population, to provide meaningful and continuous assistance, such as legal advice on land titles and promotion of ancestral rights enshrined in legislation.

44. OHCHR Cambodia, in collaboration with the Ministry of Rural Development, the Ministry of Interior, ILO and other development partners, continued to monitor efforts throughout the country for indigenous peoples to organize and be recognized as legal entities and to apply as a community for collective land titles. OHCHR Cambodia provided ongoing technical and financial support, including for registration and application for communal titles, to indigenous communities in various provinces of the country. In April 2014, OHCHR Cambodia co-organized a National Reflection Workshop on Indigenous Communal Land Titling. The escalation of land problems faced by indigenous communities made this workshop most urgent.

45. OHCHR Cambodia is currently supporting to three indigenous communities engaged in a long-running land dispute with two companies that were granted land concessions in the area. Since January 2014, the communities have been working to protect their land from further bulldozing of community farms, cattle fields and natural forests by sleeping in tents on the disputed land. OHCHR provided support to facilitate the filing of a legal complaint with the

provincial court in an attempt to protect the collective rights to land and use of natural resources.

46. OHCHR also contributed to awareness-raising and capacity-building in the area of business and human rights. OHCHR Cambodia targeted civil society organizations, Government, community leaders and business actors to support their increased understanding of the Guiding Principles on Business and Human Rights, and their application in the Cambodian context, and assisted with the development of a picture book on business and human rights for indigenous communities, focusing on adequate consultation and compensation.

3. Indigenous human rights defenders

47. During the reporting period, OHCHR field presences documented a number of cases relating to indigenous human rights defenders, by reporting on and following up cases in the Office's publication on the rights of human rights defenders or by providing input towards the determination of protection measures in the available national mechanisms for the protection of human rights defenders. For instance, between March 2013 and April 2014, the United Nations Joint Human Rights Office in the Democratic Republic of the Congo registered 12 human rights violations against 48 individuals from the Batwa community in several provinces of the country. The most reported types of violations during the period concerned the right to life, physical integrity and security and liberty of the person.

48. In January 2014, OHCHR Bolivia issued a public statement expressing concern about violence against a group of indigenous authorities, which occurred in the presence of the police. OHCHR Bolivia appealed to the competent national authorities to fulfil their obligations to respect and guarantee the individual and collective rights of those affected, in accordance with international commitments.

49. In August 2013, the Regional Office for South America held a meeting with family members of an indigenous leader, who had been found dead with a gunshot wound to his chest. Investigations are being carried out by the Public Prosecutor´s office. The crime, which occurred in a conflictive region of Chile, came six days after the visit by the Special Rapporteur on the promotion and protection of human rights while countering terrorism.

50. Furthermore, the Special Rapporteur on the rights of indigenous peoples (A/HRC/24/41/Add.4), the Special Rapporteur on the situation of human rights defenders (A/HRC/25/55/Add.3) and the Working Group on the issue of human rights and transnational corporations and other business enterprises (A/HRC/23/32) also received reports of harassment, persecution, reprisals against, stigmatization and killings of indigenous human rights defenders. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance also reported on the considerable number of incidents of discriminatory practices and acts of racial violence committed against indigenous peoples and the low level of prosecution and sanctions in such cases (A/HRC/23/56/Add.1).

4. Access to justice

51. OHCHR further strengthened its thematic work on indigenous peoples' access to justice, for example, by supporting strategic litigation at the country level. OHCHR Guatemala implemented a technical training programme on strategic litigation in human rights for indigenous peoples, including indigenous women, for indigenous peoples' organizations and authorities, teachers and university students (mostly indigenous), which includes advice and support to organizations in the implementation of their legal claims. OHCHR also provided technical assistance to the Support Network on Strategic Litigation for indigenous organizations working on cases of indigenous peoples' rights, including on indigenous women's rights.

52. In February 2014, in its role as secretariat of the Expert Mechanism on the Rights of Indigenous Peoples, and in cooperation with the Faculty of Law, University of Auckland, New Zealand, OHCHR organized an expert seminar, in Auckland, on restorative justice, indigenous juridical systems and access to justice for indigenous women, children and youth and persons with disabilities. The main objective of the seminar was to obtain additional substantive input to the Expert Mechanism's study on access to justice in the promotion and protection of the rights of indigenous peoples, to be discussed at the seventh session of the Expert Mechanism in July 2014. Further to a request from the Human Rights Council, the Expert Mechanism also prepared a study on the promotion and protection of the rights of indigenous peoples in disaster risk reduction initiatives, also to be discussed at its seventh session.

5. National human rights institutions

53. The work of the Office with national human rights institutions (NHRIs) was also instrumental in promoting the Declaration on the Rights of Indigenous Peoples. For instance, OHCHR Colombia provided technical support to the human rights commission in drafting a national proposal for the protection of the human rights of Black, Afro-Colombian, Palenquero and Raizal communities, in accordance with international standards. The proposed guidelines were presented in the plenary session of the Congress and incorporated into its final conclusions.

54. During the reporting period, the Regional Office for Central America, in collaboration with the NHRI (*Defensoria del Pueblo*) in Panama, drafted a protocol to address cases of racial discrimination against indigenous peoples and afro-descendants. In 2014, the Regional Office will conduct a survey to evaluate the progress made by the NHRIs in El Salvador, Nicaragua and Panama in strengthening their interventions in cases of discrimination against indigenous peoples and afro-descendants.

55. In response to the request from the NHRI in Panama, OHCHR is developing a protocol to address violations of indigenous peoples' rights. The protocol will provide the officers of the NHRI with an enhanced understanding of indigenous peoples' rights and enable them to identify violations and apply the relevant international standards. In November 2013, the Regional Office in Eastern Africa organized a training session in Kampala, Uganda, on strengthening the protection mandate of NHRIs, including in relation to indigenous peoples. Representatives of the NHRIs in Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan,, Uganda, and the United Republic of Tanzania participated in the training.

6. Post-2015 development agenda

56. OHCHR engagement has been instrumental in ensuring the high visibility of human rights in the discussions on the post-2015 agenda. The Office advocates that marginalized, disempowered and excluded groups, previously locked out of development, including women, minorities, indigenous peoples, migrants, older persons, disabled persons and the poor, must have a place in the new agenda.

57. In 2013, OHCHR published the report *Who will be accountable? Human Rights and the Post-2015 Development Agenda*, in which the importance and impact of advocacy on human rights, including on equality and non-discrimination, is emphasized. OHCHR's current focus is on ensuring that human rights, including the standards of equality and non-discrimination, underpin the new agenda, which will require additional targets and indicators to better reflect indigenous peoples' perspectives on development.

58. OHCHR contributed to the national consultations on the post-2015 development agenda. Since Guatemala was selected as a pilot country for national consultations on the post-2015 development agenda, OHCHR Guatemala and the United Nations country team worked to ensure that indigenous peoples were included in the consultations and that the resulting

report reflected their views. To that end, OHCHR Guatemala organized seminars for indigenous organizations and indigenous women, with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), respectively. The seminars enabled reflection on the current Millennium Development Goals framework and the results obtained so far.

7. World Conference on Indigenous Peoples

59. In its resolution 65/198, the General Assembly decided to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014. The General Assembly also decided that the World Conference shall result in a concise, action-oriented outcome document, which should contribute to the realization of the rights of indigenous peoples, pursue the objectives of the Declaration on the Rights of Indigenous Peoples and promote the achievement of all internationally agreed development goals (General Assembly resolution 66/296).

60. Further to those resolutions, indigenous peoples worldwide engaged in the process and organized regional and thematic caucus preparatory meetings. Moreover, in June 2013, the Sami Parliament of Norway organized a global indigenous preparatory meeting for the World Conference, in Alta, Norway.

61. The forthcoming Conference has the potential to raise the profile and impact of the United Nation's work on indigenous peoples. OHCHR consistently highlights the importance of indigenous participation in its exchanges with various key interlocutors, and emphasizes the need to make sure that the Conference is organized not only on, but also with, indigenous peoples.

62. During the twenty-fourth session of the Human Rights Council, OHCHR organized a panel on indigenous peoples' issues, which was devoted to the forthcoming World Conference. The panel participants discussed specific human rights issues of central concern to indigenous peoples, with a view to ensuring that human rights are firmly integrated not only in the World Conference, but in the preparatory and follow-up processes as well. The panel also considered ways and means to enhance synergies between States, indigenous peoples, the United Nations system and other relevant actors in view of the action-oriented results of the World Conference, in order to encourage concrete measures to improve the implementation of the Declaration on the Rights of Indigenous Peoples.

63. In addition to calling for an inclusive process and integration of human rights standards in the Conference, OHCHR, through the United Nations Voluntary Fund for Indigenous Peoples, is playing a direct role in supporting indigenous peoples' participation in the Conference. The General Assembly has expanded the mandate of the Fund to include support for indigenous peoples to participate in the World Conference and its preparatory process (resolution 66/296). The Fund will support the participation of 21 indigenous representatives to the interactive hearing as part of the preparations for the Conference and 84 indigenous representatives to the World Conference.

64. OHCHR field presences have also been actively engaged in the preparations for the Conference. For instance, the Regional Office for Central America is contributing to the regional study on the situation of indigenous peoples that is being conducted by the United Nations Economic Commission for Latin America and the Caribbean on the occasion of the World Conference on Indigenous Peoples, further to the recommendation of the United Nations Permanent Forum on Indigenous Issues.

65. The Regional Office for Southern Africa contributed information for a review of United Nations efforts for the realization of indigenous peoples' rights in Namibia since 2009, which is intended as an information paper for the World Conference in the context of sharing

perspectives and best practices on the realization of the rights of indigenous peoples, including pursuit of the objectives of the United Nations Declaration on the Rights of Indigenous Peoples. OHCHR Paraguay organized several activities in the context of the World Conference, including sessions with indigenous leaders, both men and women, of 26 indigenous peoples' organizations, and a meeting with leaders of indigenous peoples' organizations, during which proposals on prior consultation and the formulation of public policies were discussed.

66. In 2013, OHCHR Guatemala facilitated workshops aimed at assessing the level of implementation of the Declaration on the Rights of Indigenous Peoples. The workshops focused in particular on indigenous peoples' participation, consultation, land and territories, spirituality and access to justice. The workshops served to enhance knowledge of international human rights standards and the capacity of indigenous communities to monitor compliance with indigenous peoples' rights. In March 2014, the Government of Guatemala published an action plan and methodology with a view to preparing the State for the World Conference on Indigenous Peoples. The action plan proposes the use of the evaluation report on the implementation of the Declaration as an input document for the working sessions.

67. The Regional Office for South America delivered a one-day training session on indigenous peoples' rights to indigenous peoples' representatives, as part of the inter-agency project on indigenous peoples' rights. The office gave a presentation on the World Conference, which was followed by a discussion by the indigenous representatives on the main human rights issues they faced in their region.

III. Human rights bodies and mechanisms

A. Expert Mechanism on the Rights of Indigenous Peoples

68. The Expert Mechanism on the Rights of Indigenous Peoples held its sixth session in July 2013, during which it discussed the preparations for the World Conference on Indigenous Peoples and the Declaration on the Rights of Indigenous Peoples, and held an interactive dialogue with a representative from the Permanent Forum on Indigenous Issues and the Special Rapporteur on the rights of indigenous peoples. The Expert Mechanism also finalized and adopted the report of its study on access to justice in the promotion and protection of the rights of indigenous peoples, to which its advice No. 5 on the same topic is annexed. The study, together with a number of proposals made by the Expert Mechanism, was presented to the Human Rights Council at its twenty-fourth session in September 2013.

69. During the reporting period, the Expert Mechanism undertook a number of inter-sessional activities, including participation in preparatory meetings for the World Conference and the twelfth session of the United Nations Permanent Forum on Indigenous Issues. The Expert Mechanism also briefed a number of the human rights treaty bodies on its work, and especially its studies, relating to the rights of indigenous peoples.

70. Throughout the year, OHCHR provided support to the members of the Expert Mechanism in their engagement in activities relating to their work, including participation in the Forum on Business and Human Rights, the Permanent Forum on Indigenous Issues Expert Group meeting on sexual health and reproductive rights, the International Parliamentary Conference on Parliaments and the Rights of Indigenous Peoples, the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action and preparatory meetings relating to the organization of the World Conference. Through those interventions, the Expert Mechanism contributed to enhancing the visibility of indigenous peoples' rights, in particular their right to participate in decision-making.

B. Special procedures

71. The activities of the Special Rapporteur on the rights of indigenous peoples were focused on four interrelated areas: promoting good practices, country reports, cases of alleged human rights violations and thematic studies. Within each of these areas, the Special Rapporteur built upon the established methods of work generally employed by Human Rights Council special procedures and also developed new ones, especially in relation to the promotion of good practices and addressing allegations of human rights violations through the communications procedure.

72. With respect to the promotion of good practices, the Special Rapporteur continued to provide technical assistance to Governments in their efforts to develop laws and policies relating to indigenous peoples. Most often, the technical assistance dealt with the development of procedures for the duty to consult with indigenous peoples about decisions that affect them.

73. The work of the Special Rapporteur also involves investigating and reporting on the overall human rights situation of indigenous peoples in selected countries. The reports of country visits include conclusions and recommendations aimed at strengthening good practices, identifying areas of concern and improving the human rights situation of indigenous peoples. Over the past year, the Special Rapporteur visited and reported on the situation of indigenous peoples in Panama, Canada and Peru. Those reports will be presented to the Human Rights Council in September 2014.

74. The Special Rapporteur responded to specific cases of alleged human rights violations on a continuous basis. Over the past year, the Special Rapporteur took action with regard to some 50 cases, including concerning the following countries: Argentina, Bangladesh, Bolivia (Plurinational State of), Brazil, Cameroon, Canada, Chile, Colombia, Costa Rica, Ecuador, Ethiopia, France, Guatemala, Honduras, Israel, Kenya, Papua New Guinea, Peru, the Philippines, the Russian Federation, Suriname, the United Republic of Tanzania and the United States of America.

75. The Special Rapporteur dedicated the past three years of the mandate to the issue of extractive industries and their impact on indigenous peoples. The Special Rapporteur's final report on this issue (A/HRC/24/41)was presented to the Human Rights Council in September 2013. The Special Rapporteur participated in several meetings in order to gather perspectives on the issue from indigenous peoples, Governments, and companies. As part of the study, he launched an online forum to gather examples of specific extractive projects being carried out in or near indigenous peoples' territories. In his final report to the General Assembly (A/68/317), presented in October 2013, the Special Rapporteur gave an overview of the activities he had carried out throughout his tenure and offered comments on the Declaration on the Rights of Indigenous Peoples.

76. During the reporting period, other special procedure mandate holders also addressed the situation of indigenous peoples within their respective mandates. For example, the Special Rapporteur in the field of cultural rights emphasized the right of indigenous peoples to be informed and consulted prior to the adoption of new legislation affecting the enjoyment of their cultural rights (A/HRC/23/34/Add.1). The Special Rapporteur on the human right to safe drinking water and sanitation noted that the lack of citizenship of indigenous peoples was a barrier to their access to water and sanitation as well to other basic services like health care and education (A/HRC/24/44/Add.3).

77. In the context of a country visit, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context highlighted the precarious situation of indigenous peoples living in urban settlements (A/HRC/25/54/Add.1). On one country visit, the Special Rapporteur on the right to food learned about the problems that indigenous peoples faced in their access to traditional

sources of livelihood as a result of encroachment on their lands and the degradation of ecosystems caused by development projects, logging and the expansion of palm oil plantations (A/HRC/25/57/Add.2).

78. The Special Rapporteur on extreme poverty and human rights, in her report on the right to participation of people living in poverty (A/HRC/23/36), called for a human rights-based approach to participation and presented a human rights-based framework for including people living in poverty in the design, implementation and evaluation of policies and programmes in a meaningful and effective way, taking into account the obstacles they face. The framework proposed drew heavily on ILO Convention No. 169 and the Declaration on the Rights of Indigenous Peoples, which both advocate consultation with and participation of indigenous peoples in decision-making processes.

79. In its first thematic report (A/HRC/23/50), the Working Group on the issue of discrimination against women in law and in practice noted that indigenous women and girls, among other marginalized groups, faced discriminatory practices in several areas, in particular in the implementation of laws on nationality and citizenship, which limit access to formal registration of births, marriage, residence and other citizenship documents as well as to relevant information on their rights as citizens.

80. The report of the Working Group on the issue of human rights and transnational corporations and other business enterprises to the General Assembly (A/68/279) explored the challenges faced in addressing the adverse impacts of business-related activities on the rights of indigenous peoples through the lens of the United Nations Guiding Principles on Business and Human Rights. The Working Group focused on how the guiding principles could bring clarity to the roles and responsibilities of States, business enterprises and indigenous peoples in addressing those impacts. The Working Group made recommendations to States, business enterprises and indigenous peoples for the effective operationalization of the guiding principles with regard to the rights of indigenous peoples.

C. Treaty bodies

81. The Committee on the Elimination of Racial Discrimination continued to pay particular attention to the situation of indigenous peoples in its early warning and urgent action procedures and its consideration of reports of State parties. It highlighted indigenous peoples' issues in its concluding observations on Chile, Honduras, Sweden and Venezuela (Bolivarian Republic of). In particular, the Committee emphasized the importance of providing resources to revive indigenous languages and to ensure respect for, and recognition of, the traditional systems of justice of indigenous peoples, in conformity with international human rights law.

82. During the period under review, the Human Rights Committee addressed the situation of indigenous peoples in its concluding observations on Bolivia (Plurinational State of), Finland, Nepal, Ukraine, Uruguay and the United States of America. The Committee was concerned about the lack of indigenous peoples' participation and decision-making powers in matters of fundamental importance to their culture and way of life, including the rights to land and resources. The Committee recommended, inter alia, that indigenous peoples be provided with equitable access to courts and administrative bodies and that measures be adopted to protect sacred areas against desecration, contamination and destruction.

83. The Committee on Economic, Social and Cultural Rights raised concern about indigenous peoples in Denmark, Djibouti, Gabon, Japan, Norway and Rwanda. In particular, the Committee expressed concern about the absence of regulatory or legislative frameworks to enable implementation of the right to prior informed consultation of indigenous peoples in decision-making processes relating to the exploitation of natural resources in traditional territories. The Committee was further concerned about the persistence of stereotyping and

discrimination against indigenous peoples prevents them from fully enjoying, in particular, access to the labour market, adequate housing, education, health-care services and other social services.

84. The Committee on the Rights of Persons with Disabilities addressed the issues of indigenous peoples in its concluding observations on Australia, El Salvador and Paraguay, and the Committee on the Rights of the Child issued conclusions and recommendations concerning indigenous peoples in Paraguay, Republic of Congo, the Russian Federation and Rwanda. The Committee against Torture expressed concern about the situation of indigenous peoples in its concluding observations on Guatemala. The Committee on the Elimination of Discrimination against Women expressed concern about issues relating to indigenous women in its concluding observations on Cameroon, Colombia, the Democratic Republic of the Congo and Finland.

D. Universal Periodic Review

85. Indigenous peoples' issues were frequently raised in the context of the UPR in many national reports, compilations of United Nations information and summaries of stakeholders' information as well as in the recommendations made by States in the sessions held during the reporting period. For example, at the sixteenth session of the UPR Working Group from 22 April to 3 May 2013, recommendations with reference to indigenous peoples were made in respect of Bangladesh, Cameroon, Canada, Colombia and the Russian Federation; during the seventeenth session from 21 October to 1 November 2013, recommendations with reference to indigenous peoples were made in the context of the reviews of the Belize, Central Africa Republic, Malaysia, Mexico, Nigeria, and the Republic of Congo; and at the eighteenth session from 27 January to 7 February 2014, recommendations with reference to indigenous peoples were made in respect of Cambodia, Chile, New Zealand and Uruguay.

IV. Conclusion

86. **The rights of indigenous peoples remain a priority for OHCHR and, in addressing this priority, the United Nations Declaration on the Rights of Indigenous Peoples has provided a key reference and framework for action, from the establishment of the fellowship programme and other capacity-building initiatives to the provision of technical assistance and advice for enhancing the participation of indigenous peoples in decision-making at both the international and national levels.**

87. **The Office also provided support to the wide-ranging work of the special procedures mandates devoted to indigenous peoples, notably the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples. Furthermore, through the United Nations Voluntary Fund for Indigenous Peoples, the Office supported efforts to enhance the visibility of indigenous peoples' rights in the human rights mechanisms.**

88. **The forthcoming Word Conference on Indigenous Peoples and the preparation of the post-2015 development agenda require further strong engagement by OHCHR and other stakeholders involved in the protection and promotion of the rights of indigenous peoples. Effective participation of indigenous peoples in these processes is crucial to ensuring that they yield concrete results and help to address the most urgent human rights challenges that indigenous peoples in all regions continue to face.**